

CITY OF LOCKPORT
CORPORATION PROCEEDINGS

Lockport Municipal Building

Regular Meeting
Official Record

June 19, 2013
6:00 P.M.

Mayor Michael W. Tucker called the meeting to order.

ROLL CALL

The following Common Council members answered the roll call:

Aldermen Kibler, Lombardi, McCaffrey, Fogle, and Genewick.

Absent: Alderman Schrader.

RECESS

Recess for public input.

061913.1

APPROVAL OF MINUTES

On motion of Alderman McCaffrey, seconded by Alderman Lombardi, the minutes of the Regular Meeting of June 5, 2013 are hereby approved as printed in the Journal of Proceedings. Ayes 5. Carried.

FROM THE MAYOR

Appointments:

6/14/13 Ronald B. Dernbach, 19 Livingston Place, Lockport, NY – appointed as Senior Wastewater Treatment Plant Operator effective June 14, 2013. Said appointment is Permanent and subject to the City of Lockport Municipal Civil Service Rules and Regulations. Received and filed

FROM THE CITY CLERK

The Clerk submitted payrolls, bills for services and expenses, and reported that the Department Heads submitted reports of labor performed in their departments. Referred to the Finance Committee.

Communications (which have been referred to the appropriate City officials)

6/17/13 Richelle J. Pasceri, City Clerk – Notification that the Lockport Municipal Offices will be closed on Thursday, July 4, 2013 in observance of Independence Day.

There will be no garbage collection on July 4th. Garbage scheduled for collection on July 4th & July 5th will be collected on the day following regularly scheduled collection.

The regular Common Council Meeting of July 3rd will be held on Tuesday, July 2, 2013.
Referred to the Media.

6/19/13 Dave Shambach, Director, Summer Tennis Program – Letter of appreciation for the reconstruction of the tennis courts at Altro Park.
Received and filed

6/19/13 Kevin M. Kennedy, President, Buffalo Police Benevolent Association, Inc. - Letter in support of a permanent memorial to immortalize Patti Parete and other fallen heroes.
Received and filed

6/19/13 The Incardona Family – Letter in support of a memorial for all fallen heros.
Received and filed

Notice of Defect:

6/6/13 57 Beverly Avenue, Lockport, NY – tree
6/7/13 15 Juniper Street, Lockport, NY – tree
6/7/13 383 South Street, Lockport, NY – tree
6/7/13 137 Irving Street, Lockport, NY – tree
6/10/13 493 Hawley Street, Lockport, NY – tree
6/12/13 71 Erie Street, Lockport, NY – tree stump/sidewalk
6/19/13 37 Roosevelt Drive, Lockport, NY – tree
Referred to the Director of Engineering.

Notice of Claim:

6/5/13 Jason D. Castricone, 65 W High Street, Lockport, NY
6/10/13 Thomas W. Scirto, 1 Main Street, Suite 8, Lockport, NY
6/11/13 Mattie P. Johnson, 52 Bacon Street, Lockport, NY
6/13/13 Harold & Susan Wienke Jr., 59 Chapel Street, Lockport, NY
Referred to the Corporation Counsel.

MOTIONS & RESOLUTIONS

061913.2

By Alderman Genewick:

Resolved, that the Mayor and City Clerk be authorized to issue orders in favor of the claimants for payrolls, bills, and services to be paid on June 21, 2013.

Seconded by Alderman Lombardi and adopted. Ayes 5.

061913.3

By Alderman Genewick:

Resolved, that claims authorized for payment by the Director of Planning and Development, and subsequently paid from the Community Development Escrow Account, be and the same are hereby approved.

Seconded by Alderman McCaffrey and adopted. Ayes 5.

061913.4

By Alderman Lombardi:

Resolved, that pursuant to their request, permission is hereby granted the Lakeview Parkway Association to barricade Lakeview Parkway on Saturday, June 29, 2013 for a block party, and be it further

Resolved, that the Director of Engineering be and the same is hereby authorized and directed to arrange for delivery of barricades, picnic tables and trash barrels to the area prior to said event.

Seconded by Alderman Fogle and adopted. Ayes 5.

061913.5

By Alderman Lombardi:

Resolved, that pursuant to their request, Lockport Main Street, Inc. is hereby granted permission to have a community market on Canal Street on July 6, 13, 20, 27 and August 3, 10, 17, and 24, 2013, and be it further

Resolved, that the Director of Engineering is authorized and directed to arrange for delivery of refuse containers to the area prior to the said dates.

Seconded by Alderman Fogle and adopted. Ayes 5.

061913.6

By Alderman McCaffrey:

Resolved, that the Mayor and Common Council do hereby extend appreciation to Robert Stutz for his generous donation of an American Flag to the City of Lockport.

Seconded by Alderman Genewick and adopted. Ayes 5.

061913.7

By Alderman Genewick:

Resolved, that resolution # 051513.6 adopted by the Common Council at their May 15, 2013 meeting, regarding Presidential City Barber Shop's grand opening event be and the same is hereby amended by deleting June 15, 2013 and inserting August 3, 2013.

Seconded by Alderman Kibler and adopted. Ayes 5.

061913.8

By Alderman Genewick:

Resolved, that Special Use Permit to Imagine Community Gardens, Inc. approved by the Common Council at their March 20, 2013 meeting be amended to include the placement of a 3x5 advertising sign on the premises.

Seconded by Alderman Lombardi and adopted. Ayes 5.

061913.9

By Alderman McCaffrey:

**RESOLUTION AUTHORIZING
LABATT CANAL CONCERT SERIES AGREEMENT**

WHEREAS, the City of Lockport desires to enter into an agreement with Canal Concert Series, Inc to provide funding for eight (8) concerts at \$8,800.00 per concert , barricades, uniformed officers to patrol the event during each concert and an ambulance for the publics heath, safety and welfare, and

WHEREAS, attendance at concerts has reached 20,000 people, and

WHEREAS, the influx of visitors has had a positive effect on the local hotels and retail, and

WHEREAS, Canal Concert Series ("CCS") desires to renew its contract with the City as Sponsor for one (1) year at a cost of \$8,800 per concert for eight (8) concerts, and

WHEREAS, additional terms and conditions relating to barricades, officers and ambulance service are contained in an agreement incorporated herein by reference.

NOW THEREFORE BE IT

RESOLVED, that the Mayor be and is hereby authorized to enter into an agreement with CCS for a term of one (1) year for the City to act as Sponsor for eight (8) concerts at a cost of \$8,800 per concert and related services set forth in more detail in the formal agreement incorporated herein by reference, and be it further

RESOLVED, that the Mayor be and is hereby authorized to terminate any and all agreements with Ulrich City Centre, Inc. and the Canal Concert Series, Inc with respect to the former City Centre site.

Seconded by Alderman Fogle and adopted. Ayes 5.

061913.10

By Alderman Genewick:

**AUTHORIZATION OF CAPITAL LEASE FINANCING OF A
PAVING MACHINE
TO BE USED BY THE CITY OF LOCKPORT STREETS DEPARTMENT**

WHEREAS, the Common council by resolution 051513.8 authorized the replacement of a paving machine and

WHEREAS, it is necessary to provide financing of the new equipment through a Capital Lease, consistent with a plan in the 2013 operating budget of the Streets Department; and

WHEREAS, quotes were received from several firms who provide lease financing with the lowest cost quote being that of M&T Bank;

NOW, THERFORE BE IT

RESOLVED, that the Common Council hereby authorizes M&T Bank financing for the purchase of a paving machine in the amount of \$302,500 with M&T Bank.

This resolution shall take effect immediately upon its adoption.

Seconded by Alderman McCaffrey. A roll call vote was taken which resulted as follows:

Alderman Fogle	VOTING	YES
Alderman Genewick	VOTING	YES
Alderman Kibler	VOTING	YES
Alderman Lombardi	VOTING	YES
Alderman McCaffrey	VOTING	YES
Alderman Schrader	VOTING	ABSENT

The resolution was thereupon declared duly adopted.

061913.11

By Alderman McCaffrey:

Resolved, that § 133-7 I of the Peddling and Soliciting Code of the City of Lockport be amended by deleting the whole in its entirety and replacing with the following:

133-7 I. Vendors shall not engage in vending during the Canal Concert Series events unless such vendor has a current City of Lockport vendor's permit; established proof that the vendor has been a resident of Niagara County for the period of one year prior to said event; and received a special permit approved by the Mayor. The City reserves the right to designate the location.

Seconded by Alderman Kibler and adopted. Ayes 5.

061913.11A

By Alderman McCaffrey:

WHEREAS, on October 3, 2012, the Common Council by resolution 100312.4 authorized the Mayor to execute an Interoperable Communication System User Agreement with the County of Niagara subject to Corporation Counsel approval, and

WHEREAS, the Police Radio Project requires the use of City property located at 611 West Jackson Street, Lockport, New York for the construction and operation of a radio tower. Now Therefore Be It

RESOLVED, that the Mayor subject to Corporation Counsel approval be and is hereby authorized to execute a Property Use Agreement with the County of Niagara for 611 West Jackson Street, Lockport, New York for a term of 25 years for \$1.00 a year.

Seconded by Alderman Kibler and adopted. Ayes 5.

061913.11B

By Alderman Lombardi:

Whereas, the Labatt Canal Concert Series is being held in the municipal parking lot on Chestnut Street, and

Whereas, the City as sponsor and Canal Concert Series, Inc desire to have VIP parking in the adjacent parking lot located at 34 Chestnut Street that is owned by Lockport Ice Arena and Sports Center, Inc, Now therefore be it

Resolved, that the Mayor be and is hereby authorized to enter into a lease agreement with Lockport Ice Arena and Sports Center, Inc. for \$1.00 and no more for use of the parking lot located at 34 Chestnut Street as VIP parking, and be it further

Resolved, that the Lockport Ice Arena and Sports Center, Inc shall be named as an additional insured by the City and the Canal Concert Series, Inc.

Seconded by Alderman McCaffrey and adopted. Ayes 5.

061913.11C

By Alderman Kibler:

Resolved, that the Police Department service fee for a Criminal Record Check (non-military) be changed from the current \$15.00 fee to \$20.00 to be effective immediately.

Seconded by Alderman Fogle and adopted. Ayes 5.

061913.11D

By Alderman Genewick:

Resolved, that the Water Department Fee Schedule be in the same is hereby amended to include a deposit fee of \$50.00 for Backflow Preventer use.

Seconded by Alderman Lombardi and adopted. Ayes 5.

061913.11E

By Alderman McCaffrey:

WHEREAS, General Municipal Law, §53 requires towns to file a certificate with the Secretary of State designating the Secretary of State as an agent for service of a notice of claim; and

WHEREAS, General Municipal Law, §53 requires the certificate to include the applicable time limit for filing the notice of claim and the name, post office address and electronic mail address, if available, of an officer, person, for the transmittal of notices of claim served upon the Secretary as the town's agent; and

WHEREAS, pursuant to General Municipal Law, §50-e(1)(a), the applicable time limit for the filing of a notice of claim upon a town is 90 days after the claim arises, or in the case of a wrongful death action, 90 days from the appointment of a representative of the decedent's estate; Now therefore Be It

RESOLVED, that the Common Council of the City of Lockport, County of Niagara designates the Richelle J. Pasceri, in her capacity as City Clerk, to receive notices of claims served upon the Secretary of State by mail at City of Lockport Municipal Building, One Locks Plaza, Lockport, NY 14094. Be it further

RESOLVED, that the Common Council hereby directs the City Clerk to file the required certificate with the Secretary of State informing him or her of the City's designation and applicable time limitation for filing a notice of claim with the City on or before July 14, 2013.

Seconded by Alderman Genewick and adopted. Ayes 5.

061913.12 ADJOURNMENT

At 6:25 P.M. Alderman McCaffrey moved the Common Council be adjourned until 6:00 P.M., Tuesday, July 2, 2013.

Seconded by Alderman Genewick and adopted. Ayes 5.

RICHELLE J. PASCERI
City Clerk